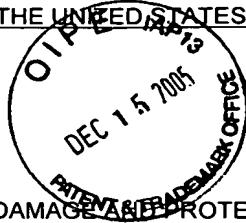


## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Application of:  
 John J KOPCHICK  
 Serial No. 10/524,237  
 IA Filing Date: August 4, 2003  
 For: DIAGNOSIS OF KIDNEY DAMAGE AND PROTECTION...

Atty's Dkt: KOPCHICK5A

) Application Division  
 ) ATTN: PCT  
 ) Washington, D.C.  
 ) Confirmation No. 8623  
 ) Date: December 15, 2005

LATE SUBMISSION OF DECLARATION AND/OR TRANSLATION IN APPLICATION FILED UNDER 35 USC 371

U.S. Patent and Trademark Office  
 Customer Service Window  
 Randolph Building, Mail Stop Missing Parts  
 401 Dulany Street  
 Alexandria, VA 22314

Sir:

The present communication is in response to the "NOTICE OF MISSING REQUIREMENTS UNDER 35 USC 371..." dated October 28, 2005. Attached hereto is/are:

- [XX] Two declarations in compliance with 37 C.F.R. 1.63, identifying the present application by title and International application no., international filing date, and U.S. application no. One form is executed by Kopchick and Coschigano, the other by Amy Holland. It is noted that we are awaiting action on the petition to change Amy Holland's name to Amy Wetzel, filed June 30, 2005 (Copy of postcard receipt enclosed). Since the petition was not acted upon, the declaration recited the originally stated (maiden) name of the inventor. Once the petition is granted, we will file a supplemental ADS. We note that PAIR fails to list either the June 30 Petition, or the Preliminary Amendment No. 2 filed November 2, 2005.
- [XX] Paper Sequence Listing, Copy of the "Sequence Listing" in computer readable form (CRF) and a response including a statement that contents of the CRF are the same as the paper copy.
- [ ] An Information Disclosure Statement with 08A- 1449 and references.
- [XX] Additional fees as calculated below:

[ ] Search fee		Paid 2/10
[ ] Examination fee		Paid 2/10
Surcharge of \$130.00 for furnishing the oath or declaration later than [ ] 20 [ ] 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		Paid 2/10
Number of each additional 50 pages or fraction thereof (round up to a whole number)	RATE	
3	X \$250.00	\$750.00
Number of Claims Previously Paid For	Number of Extra Claims	Rate
28- 20 =	8	X \$ 50.00
6- 3 =	3	X \$200.00
Multiple Dependent Claims (if applicable)	+ \$360.00	\$
TOTAL OF ABOVE CALCULATIONS		\$1,750.00
Reduction of 1/2 for filing by small entity, if applicable. Applicant claims small entity status. See 37 CFR 1.27.		<\$875.00>
SUBTOTAL		\$875.00
Processing fee of \$130.00 for late furnishing of the English translation.		\$
TOTAL NATIONAL FEE		\$875.00

- [XX] There are 152 pages of description and claims, and 2 pp. of drawings, as observed by the Notice. The paper sequence listing is 82 pp., for a total of 236 pp.
- [XX] Surcharge for late filing of the Declaration was paid on February 10, 2005. Hence, the Notice improperly requires payment of the surcharge.
- [XX] Total fees enclosed: \$ 875.00
- [XX] Credit Card Payment Form, PTO-2038, authorizing payment the amount of \$ 875.00 is enclosed to cover the above fees.
- [XX] Conditional Petition for Extension of Time:  
 If any extension of time for a response is required, applicant requests that this be considered a petition therefor.
- [XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR 1.16 and all patent processing fees under 37 CFR 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR 1.18.

12/20/2005 LLANDGRA 00000048 10524237

01 FC:2681 375.00 OP  
 02 FC:2615 200.00 OP  
 03 FC:2614 300.00 OP

IPC:ses

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BROWDY AND NEIMARK, P.L.L.C.  
 Attorneys for Applicant(s)

By:

Iver P. Cooper  
 Registration No. 28,005

APPLICATION/PATENT NO: 10/524,237

DOCKET NO: Kapchick=5A

CONF. NO.: \_\_\_\_\_

CLIENT CODE: EDIS

THE PATENT AND TRADEMARK OFFICE STAMP  
HEREON ACKNOWLEDGES RECEIPT OF THE  
FOLLOWING PAPERS:

☒ FEES \$ 400.00 PTO FORM 2038

☐ EXTENSION OF TIME (\_\_\_\_ MONTHS)

☐ TRANSMITTAL LETTER

☐ MISSING PARTS RESPONSE WITH DECL

☐ AMENDMENT/RESPONSE (circle one)

☐ PRELIMINARY ☐ SUPPLEMENTAL

☐ APPLICATION DATA SHEET

☐ RESTRICTION/ELECTION REPLY

☐ SEQUENCE LISTING ☐ WITH DISK

☐ RCE TRANSMITTAL

☐ REQUEST FOR STATUS

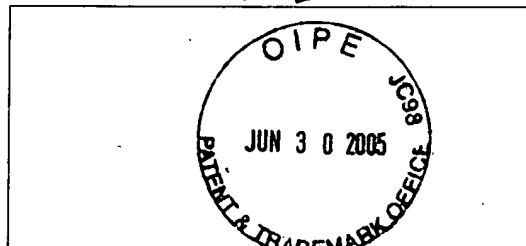
☐ NOTICE OF APPEAL

☐ APPEAL BRIEF/REPLY BRIEF (TRIPPLICATE)

☐ REQUEST & CERTIFICATE OF CORRECTION

☒ OTHER Petition to Change Inventor's Name to Reflect Marital Status, Declaration in Support of Petition to change Inventor's Name, Marriage Certificate

B&N-1



☐ ASSIGNMENT

☐ INFORMATION DISCLOSURE STATEMENT

☐ FORM SB08A & \_\_\_\_\_ PATENTS/PUBS

☐ PRIORITY DOCUMENT(S) NO. \_\_\_\_\_

☐ DECLARATION UNDER § \_\_\_\_\_

☐ \_\_\_\_\_ SHEETS OF FORMAL DRAWINGS

☐ ISSUE FEE TRANSMITTAL FORM

☐ PUBLICATION FEE

☐ MAINTENANCE FEE LETTER

/PC.



## UNITED STATES PATENT AND TRADEMARK OFFICE

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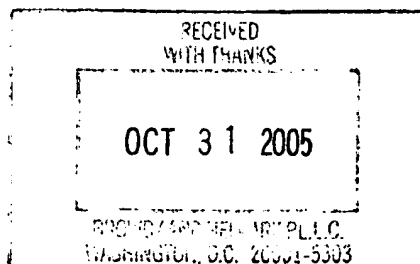
U.S. APPLICATION NUMBER NO. 10/524,237	FIRST NAMED APPLICANT John J Kopchick	ATTY. DOCKET NO. KOPCHICK5A
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INTERNATIONAL APPLICATION NO. PCT/US03/24053
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I.A. FILING DATE 08/04/2003	PRIORITY DATE 08/02/2002
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1444

BROWDY AND NEIMARK, P.L.L.C.  
624 NINTH STREET, NW  
SUITE 300  
WASHINGTON, DC 20001-5303



CONFIRMATION NO. 8623

371 FORMALITIES LETTER



\*OC000000017319333\*

Date Mailed: 10/28/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 02/10/2005
- Copy of the International Search Report filed on 02/10/2005
- Preliminary Amendments filed on 02/10/2005
- Information Disclosure Statements filed on 02/10/2005
- Request for Immediate Examination filed on 02/10/2005
- U.S. Basic National Fees filed on 02/10/2005
- Priority Documents filed on 02/10/2005
- Specification filed on 02/10/2005
- Claims filed on 02/10/2005
- Abstracts filed on 02/10/2005
- Drawings filed on 02/10/2005

SEC / MSP = 28 DE 2005.

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$500 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$815** for a Small Entity:

- **\$65 Surcharge.**
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- The specification and drawings contain more than 100 pages. Applicant owes **\$250** for **54** pages in excess of **100** pages for a small entity in compliance with 37 CFR 1.27.
- Total additional claim fee(s) for this application is **\$ 500**
  - **\$300** for **3** independent claims over 3.
  - **\$200** for **8** total claims over 20.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION,**

**WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FREDERICK SMITH

Telephone: (703) 308-9140 EXT 210

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/524,237	PCT/US03/24053	KOPCHICK5A

FORM PCT/DO/EO/905 (371 Formalities Notice)